

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

AMUSEMENT INDUSTRY, INC., a)
California corporation dba WESTLAND)
INDUSTRIES; PRACTICAL FINANCE CO.,)
INC., a California corporation,)

07-CV-11586 (UA)

Plaintiffs,)

**AFFIDAVIT OF SERVICE OF
SUMMONS AND COMPLAINT UPON
DEFENDANT EPHRAIM FRENKEL**

v.)

MOSES STERN, an individual aka MARK)
STERN; JOSHUA SAFRIN, an individual;)
FIRST REPUBLIC GROUP REALTY LLC, a)
Delaware limited liability company;)
EPHRAIM FRENKEL, an individual; LAND)
TITLE ASSOCIATES ESCROW, a New York)
limited liability company,)

Defendants.)

STATE OF NEW JERSEY)
)ss.:
COUNTY OF UNION)

Nicholas Javas, being duly sworn, hereby deposes and says:

1. I am a process server for Guaranteed Subpoena Service, Inc. I am over 18 years of age and not a party to this litigation. Except where otherwise stated, I have personal knowledge of the facts set forth herein.

2. At approximately 7:45 PM on Wednesday, January 2, 2008, I attempted to serve a Summons and Complaint in the above-captioned action upon defendant Ephraim Frenkel ("Frenkel") at 6747 170th Street, Fresh Meadows, New York 11365, which

previously was identified to me as Frenkel's home address. No one came to the door to accept the papers.


3. At approximately 7:15AM on Thursday, January 3, 2008, I returned to Frenkel's residence. Again, no one came to the door to accept the papers.

4. At approximately 4:45 PM on Thursday, January 3, 2008, I returned to Frenkel's residence. Shortly after my arrival, an individual named Sherry Frenkel identified herself as Mr. Frenkel's wife. Mrs. Frenkel is a white female between the approximate ages of 51-65; she had brown hair and appeared to weigh approximately 131-160 pounds.

5. Mrs. Frenkel stated that she would accept the Summons and Complaint and that she would see to it that Mr. Frenkel received the papers. As Mrs. Frenkel appeared to be a person of suitable age and discretion, I handed Ms. Frenkel the papers at approximately 4:56 PM and departed.

Sworn to before me this
7th day of January, 2008

Notary Public


NICHOLAS JAVAS

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